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ATTORNEYS FOR DEFENDANT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
THOMAS J. FALLICA,

Plaintiff,

-against-

THE HOME DEPOT, INC.,

Defendant.
-----X


No. CV-05-2972 (DRH) (AKT)

STIPULATION AND ORDER OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned
that the above-captioned action shall be, and hereby is, dismissed with prejudice and on the
merits and without costs or attorneys' fees to any party as against the other.

STIPULATED AND AGREED:

By: 
Steven E. Losquadro (SEL-4670)

By: 
Seth M. Kaplan (SK-0449)
Amanda N. Slatin (AS-5070)

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Home Depot U.S.A., Inc.

Dated: March 22, 2006

March 28, 2006

SO ORDERED:

Denis R. Hurley, U.S.D.J.